IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.7411 OF 2005
IN
CRIMINAL APPLICATION NO.7410 OF 2005

The State of Maharashtra. ..Applicant.
Vs.
Sudhakar T. Panikar. ..Respondent.

Mrs. P.H. Kantharia, A.P.P. for the Applicant.
Mr. Abhaykumar Apte for the Respondent.

CORAM: B.H.MARLAPALLE &
R.S. MOHITE, JJ.
DATED :20TH FEBRUARY, 2007

P.C.

1. Heard Mrs. Kantharia, the learned A.P.P. for the State. and Mr. Apte, the learned counsel for the respondent.

2. The State has filed Criminal Application No.7410 of 2005 seeking leave to appeal against the order of acquittal passed by the learned 6th Adhoc Additional Sessions Judge at Pune but belatedly. Hence, this application for condonation of delay.

3. As per the office note, delay caused is of 9-days. We are satisfied that the delay deserved to be condoned. Hence, application is allowed in terms of prayer clause (b).

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**

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1. Heard Mrs. Kantharia, the learned A.P.P. for the State.

2. Perused the order of acquittal passed by the learned 6th Adhoc Additional Sessions Judge at Pune in Sessions Case No.425 of 2004. The Trial Court did not find the testimony of P.W.No.1 Geeta-prosecutrix read with the medical evidence, sufficient to establish an offence punishable under Section-376 of the Indian Penal Code. More so, she was found to be in the age group 17 to 19 years and there was nothing to show that accused had committed sexual intercourse with her under force or against her will. The evidence of other witnesses namely P.W.No.2 Sharda, P.W.No.3-Malati, P.W.No.4-Reshma and P.W.No.5 Hasina was also discarded, for the offences

punishable under Sections-354, 420 and 506 of the Indian Penal Code. The reasoning set out by the learned Trial Judge in support of the order of acquittal on sifting the evidence of the witnesses examined does not require reconsideration. Hence, leave to appeal is refused and the application is rejected.

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**